REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments set forth fully below. Claims 1-48 were previously pending in this application. Within the Office Action Claims 1-11, 13-44 and 48 have been rejected and Claims 12 and 45-47 have been objected to. By the above amendment, Claim 17 has been amended. Claims 1-48 are therefore now pending in this application.

Rejections Under 35 U.S.C. § 112

Within the Office Action, Claims 17-21 and 44 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is stated within the Office Action that there is insufficient antecedent basis for the limitation "the second audio file" in Claim 17. By the above amendment, Claim 17 has been amended to change the limitation "the second audio file" to "the second file," which has an antecedent basis in subparagraph (c) of Claim 17. Claims 18-21 and 44 are dependent on the independent Claim 17. Accordingly, Claims 17-21 and 44 do particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Rejections Under 35 U.S.C. § 102

Within the Office Action, Claims 17-19 have been rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5,675,507 to Charles R. Bobo, II (hereinafter "Bobo"). The Applicant respectfully disagrees with this rejection. Bobo teaches a message storage and delivery system which receives facsimile messages, voice messages and data messages. (Bobo, Abstract). Bobo teaches that the system is connected to the Internet and notifies users with an e-mail message each time a message is received. (Bobo, Abstract). After receiving this notification, the users can then connect to the system through the Internet and have the messages downloaded to

- 4 -

their computers or preview the messages. (Bobo, Abstract). Bobo teaches that to obtain a

message such as a facsimile message, the user logs into his or her mailbox in the system and

selects an anchor from a facsimile list provided by the system. (Bobo, col. 8, lines 11-17). In

response to this selection, the system then displays a file containing the list of facsimiles. (Bobo,

col. 8, lines 15-20). When the user selects a message on the list, the system of Bobo causes the

selected message to be downloaded via the Internet to the user's computer. (Bobo, col. 8, lines

60-63). Bobo also teaches that the messages are collectively accessed through the anchor for the

message list. Bobo does not teach that the messages are each stored and accessed at an

independently accessible address. Further, Bobo does not teach that the messages are separately

accessible using an independently accessible address. Bobo also does not teach that each

message is associated with and accessed by a unique address.

Bobo does not teach that a message is directly accessible using an independently

accessible address. To access a message in the system of Bobo, a user must first log into their

mailbox, select the appropriate anchor and then select the message. Within the system of Bobo, a

user cannot directly access a message without going through their mailbox.

Bobo also teaches that when a new message is received, the user's mailbox is updated to

display the total number and types of messages. (Bobo, col. 8, lines 21-23). Additionally, Bobo

teaches that the system will send an e-mail notification to the user's computer to inform the user

of the newly arrived message. (Bobo, col. 8, lines 23-27). **Bobo does not teach that the new**

message itself will be included within the e-mail notification. Accordingly, Bobo does not

teach including the recorded audio file within a second file and sending the second file to the

computer system for access by a user.

In contrast to the teachings of Bobo, the present invention includes an apparatus and

method for recording an audio file which allows a user to establish a telephone connection with a

call processing and recording system to record an audio file. Once recorded, the user then has the

ability to playback, edit and re-record the audio file until the user is satisfied with the audio file.

Once the user is satisfied with the recorded audio file, a title or text description to be associated

with the recorded audio file and the recorded audio file are stored at the call processing and recording system. When the quality and content of the recorded audio file is acceptable, then the recorded audio file with accompanying title and user information is transmitted from the call processing and recording system to an internet server. When the internet server receives the recorded audio file with accompanying user information and associated title or text description, this data is then stored in a recording database at the internet server. The recorded audio file of the present invention is also associated with a profile of the recording user which is accessible by the user over the internet. A notification is also preferably sent to the *recording user* notifying the recording user of the address at which the recorded audio file can be accessed. Preferably, this notification is by email. The address at which the recorded audio file can be accessed is an independently accessible address on the internet. The address at which the recorded audio file can be accessed is unique to the recorded audio file. The recorded audio file can also be directly accessed using this address.

The recorded audio file of the present invention is separately accessible using the independently accessible address. Since the audio file is accessed through the independently accessible address, others can also access the recorded audio file on the internet server by entering the separately and directly accessible address or selecting a hyperlink pointing to this address. The recorded audio file can also be sent in a second file. Once any person accesses the recorded audio file, the audio data within the file is transmitted to the accessing computer system for playback at that accessing computer system. This allows many people to access the audio file.

As discussed above, Bobo does not teach that the messages are each stored and accessed at an independently accessible address. In addition, Bobo does not teach that the messages are separately and directly accessible using an independently accessible address. Bobo also does not teach that each message is associated with and accessed by a unique address. Further, Bobo does not teach that a message is directly accessible using an independently accessible address. Bobo

- 6 -

also does not teach including the recorded audio file within a second file and sending the second audio file to the computer system for access by a user.

The independent Claim 17 is directed to a method of recording an audio file for playback over a computer system. The method of Claim 17 includes the steps of establishing a telephony connection between a telephony device and a call recording device, recording an audio communication transmitted over the telephony connection thereby establishing a recorded audio file and including the recorded audio file within a second file, such that when the second file is accessed using the computer system, the recorded audio file is available for playback at the computer system. The method of Claim 17 also includes the step of sending the second file to the computer system for access by a user. As discussed above, Bobo does not teach that a recorded audio file is included **within** a second file, such that when the second file is accessed using the computer system, the recorded audio file is available for playback at the computer system. Bobo also does not teach that the second file, including the recorded audio file, is sent to the computer system for access by a user. For at least these reasons, the independent Claim 17 is allowable over the teachings of Bobo.

Claims 18 and 19 are both dependent upon the independent Claim 17. As discussed above, the independent Claim 17 is allowable over the teachings of Bobo. Accordingly, the Claims 18 and 19 are both also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 17 and 20 have been rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 5,915,001 to Premkumar Uppaluru (hereinafter "Uppaluru"). The Applicant respectfully disagrees with this rejection. Uppaluru discloses a voice web system that is used to provide voice web services to a subscriber, whereby the voice web system is a service that provides on-line telephone based access to information. (Uppaluru, col. 9, lines 38-40). The information is presented to the user through the publication of voice web pages. (Uppaluru, col. 9, lines 41-49). Specifically, Uppaluru discloses that the system provides universally accessible caller-specific profiles that are accessed by one or more interactive voice response (IVR) systems. (Uppaluru, col. 2, lines 26-32). The system taught by

Uppaluru includes voice web pages that are accessible to users via voice commands and touch-tone inputs. This collection of voice web pages is considered the "voice web" which contains a specially tagged set of key words and touch tone sequences that are associated with the embedded anchors and links used for navigation within the voice web. (Uppaluru, col. 2, lines 38-41). Thus, the system enables subscribers to access the voice web pages via their telephones, whereby the key words and touch tone sequences provided by the user are used to access links in the voice web pages and navigate through the voice web system. (Uppaluru, col. 5, lines 1-2).

Uppaluru teaches accessing information on a voice web system through a telephony connection. Uppaluru does not teach establishing a telephony connection and recording an audio communication transmitted over the telephony connection, thereby establishing a recorded audio file. Accordingly, Uppaluru does not disclose recording an audio communication transmitted over a telephony connection thereby establishing a recorded audio file for playback over a computer system nor associating an independently accessible address with the recorded audio file, wherein the recorded audio file is separately and directly accessible using the independently accessible address. Uppaluru also does not teach that the independently accessible address is unique to the recorded audio file. Further, Uppaluru does not teach sending the second file to the computer system for access by a user.

In contrast to the teachings of Uppaluru, the present invention includes an apparatus and method for recording an audio file for playback over a computer system and associating an independently accessible address with the recorded audio file, wherein the recorded audio file is separately and directly accessible using the independently accessible address. The present invention allows a user to establish a telephone connection with a call processing and recording system to record an audio file. Once the user is satisfied with the recorded audio file, the recorded audio file is stored at the call processing and recording system and transmitted to an internet server. When the internet server receives the recorded audio file with accompanying user information and associated title or text description, this data is then stored in a recording database at the internet server. The recorded message is accessible to anyone who has access to

a computer system and knows the unique address associated with the recorded audio file. Thus, anyone who has the independently accessible address to where the recorded audio file is located can listen to the recorded audio file. Once the address is accessed using the user's computer system, the recorded audio file is transmitted to that computer system for playback. Thus, a user can type in the address or access a hyper link provided in a file, such as an email file, to hear the recorded audio file played back to him or her. The recorded audio file can also be sent in a second file.

As discussed above, Uppaluru does not teach recording an audio communication transmitted over a telephony connection thereby establishing a recorded audio file for playback over a computer system. Uppaluru also does not teach associating an independently accessible address with the recorded audio file, wherein the recorded audio file is separately and directly accessible using the independently accessible address. Further, Uppaluru does not teach including the recorded audio file within a second file and sending the second file to a computer system for access by a user.

The independent Claim 17 is directed to a method of recording an audio file for playback over a computer system. The method of Claim 17 includes the steps of establishing a telephony connection between a telephony device and a call recording device, recording an audio communication transmitted over the telephony connection thereby establishing a recorded audio file and including the recorded audio file within a second file, such that when the second file is accessed using the computer system, the recorded audio file is available for playback at the computer system. The method of Claim 17 includes the further step of sending the second file to the computer system for access by a user. Within the Office Action, it is stated that element (c) of claim 17 reads on the embedding process taught in Uppaluru in which HVML voice web pages 103 can be embedded in generic multimedia web pages. However, Uppaluru teaches that the HVML voice web pages rather than recorded audio files can be embedded in generic multimedia web pages. Uppaluru does not teach that an audio communication is recorded over a telephony connection, thereby establishing a recorded audio file. Uppaluru also does not teach

sending the second file, including the recorded audio file, to the computer system for access by a user. For at least these reasons, the independent Claim 17 is allowable over the teachings of Uppaluru.

Claim 20 is dependent upon the independent Claim 17. As discussed above, the independent Claim 17 is allowable over the teachings of Uppaluru. Accordingly, the Claim 20 is also allowable as being dependent upon an allowable base claim.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 1-7, 9-11, 13-16, 22-43 and 48 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bobo in view of Internet Unleashed 1997 (hereinafter "Internet Unleashed") The Applicant respectfully traverses this rejection. As recognized within the Office Action, Bobo fails to specifically disclose that the recorded audio file is separately and directly accessible using the independently accessible address. Internet Unleashed appears to be cited for this proposition.

Within the Office Action it is stated that Internet Unleashed teaches that recorded audio files may be directly accessible when the user accesses the URL of a web page. The Applicant respectfully disagrees with this assertion. All Internet Unleashed teaches is that the <BGSOUND> command will play a sound file as soon as a page is displayed. Internet Unleashed does not teach that the sound file is directly accessible. Further, Internet Unleashed does not teach that the sound file is separately and directly accessible. Playing a sound file upon the display of a page and separately and directly accessing the sound file are very different concepts.

The combination of Bobo and Internet Unleashed is not proper. There is no hint, teaching or suggestion in either Bobo or Internet Unleashed to warrant their combination. In fact, the two cited references appear to even teach away from each other because they are incompatible. As discussed above, Bobo teaches that the messages are collectively accessed through the anchor for the message list. Bobo does not teach that the messages are each stored and accessed at an

independently accessible address. Internet Unleashed teaches that the <BGSOUND> command will play a sound file as soon as a page is displayed. Using the system of Bobo, if the message list is selected, and there are multiple messages on the list, which sound file would be played as the page is displayed. In such a situation, would a selective message be played or would all the messages be played simultaneously. The improper combination of Bobo and Internet Unleashed leaves these questions unanswered. Accordingly, it would not have been obvious to one skilled in the art to use the <BGSOUND> command of Internet Unleashed with the system of Bobo. There is no motivation for one skilled in the art to combine these teachings of Internet Unleashed with Bobo.

This is a classic case of impermissibly using hindsight to make a rejection based on obviousness. The Court of Appeals for the Federal Circuit has stated that "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." In Re Fritch, 972 F.2d, 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). As discussed above, it would not have been obvious to use the <BGSOUND> command of Internet Unleashed with the message list of Bobo. To conclude that this is obvious based on the teachings of Bobo and Internet Unleashed, is to use hindsight based on the teachings of the present invention and to read much more into the teachings of these cited references than their actual teachings. Teachings of these references are being pieced together, despite the fact that there is no motivation to combine the references and they teach away from each other by providing incompatible solutions. This is simply not permissible based on the directive from the Court of Appeals for the Federal Circuit.

It is well settled that to establish a *prima facie* case of obviousness, three basic criteria must be met:

1)   there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;

2)   there must be a reasonable expectation of success; and

3)   the prior art reference, or references, must teach or suggest all the claim limitations. MPEP § 2143.

The burden of establishing a *prima facie* case of obviousness based on the teachings of Bobo and Internet Unleashed has not been met within the Office Action. There is no teaching or motivation in either Bobo or Internet Unleashed to warrant their combination. As discussed above, Bobo and Internet Unleashed provide incompatible solutions. Bobo teaches that the messages are collectively accessed through the anchor for the message list. Bobo does not teach that the messages are each stored and accessed at an independently accessible address. Internet Unleashed teaches that the <BGSOUND> command will play a sound file as soon as a page is displayed. Using the system of Bobo, if the message list is selected, and there are multiple messages on the list, which sound file or message would be played as the page is displayed. As these references teach incompatible solutions, it would not have been obvious to one skilled in the art to use the message list of Bobo with the <BGSOUND> command of Internet Unleashed.

Based on the teachings of Bobo and Internet Unleashed there is no reasonable expectation of success to warrant their combination. As discussed above, Bobo teaches that the messages are collectively accessed through the anchor for the message list. Bobo does not teach that the messages are each stored and accessed at an independently accessible address. Internet Unleashed teaches that the <BGSOUND> command will play a sound file as soon as a page is displayed. Using the system of Bobo, if the message list is selected, and there are multiple messages on the list, which sound file or message would be played as the page is displayed. One skilled in the art would not have had a reasonable expectation of success when combining the message list of Bobo with the <BGSOUND> command of Internet Unleashed.

Even if considered proper, the combination of Bobo and Internet Unleashed does not teach all of the claimed limitations. Neither Bobo, Internet Unleashed nor their combination teach that a message is directly accessible using an independently accessible address. Further, neither Bobo, Internet Unleashed nor their combination teach that an audio file is separately and directly accessible using the independently accessible address. As discussed above, it is

recognized within the Office Action that Bobo fails to teach that the recorded audio file is separately and directly accessible using the independently accessible address. As further discussed above, all Internet Unleashed teaches is that the <BGSOUND> command will play a sound file as soon as a page is displayed. Internet Unleashed also does not teach that the sound file is separately and directly accessible. Accordingly, neither Bobo, Internet Unleashed nor their combination teach that each message is associated with and accessed by a unique, independently accessible address.

The independent Claim 1 is directed to a method of recording an audio file for playback over a computer system. The method of Claim 1 includes the steps of establishing a telephony connection between a telephony device and a call recording device, recording an audio communication transmitted over the telephony connection thereby establishing a recorded audio file and associating an independently accessible address with the recorded audio file, such that when the address is accessed using the computer system, the recorded audio file is transmitted to the computer system for playback. The method of Claim 1 further includes the limitation that the recorded audio file is separately and directly accessible using the independently accessible address. The method of Claim 1 includes a further limitation specifying that the independently accessible address is unique to the recorded audio file. As discussed above, neither Bobo, Internet Unleashed nor their combination teaches that an independently accessible address is associated with the recorded audio file. In addition, neither Bobo, Internet Unleashed nor their combination teaches that the recorded audio file is separately and directly accessible using the independently accessible address. Further, neither Bobo, Internet Unleashed nor their combination teaches that the independently accessible address is unique to the recorded audio file. For at least these reasons, the independent Claim 1 is allowable over the teachings of Bobo, Internet Unleashed and their combination.

Claims 2-7, 9-11 and 13-16 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Bobo, Internet

Unleashed and their combination. Accordingly, the Claims 2-7, 9-11 and 13-16 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 22 is directed to a record and playback system for recording an audio file for later playback. The record and playback system of Claim 22 includes a means for establishing a telephony connection with a telephony device, means for recording coupled to the means for establishing a telephony connection for recording an audio communication transmitted over the telephony connection thereby establishing a recorded audio file and means for storing coupled to the means for recording for storing the recorded audio file at an independently accessible address, such that when the address is accessed by a computer system, the recorded audio file is transmitted to the computer system for playback. The record and playback system of Claim 22 includes the further limitation that the recorded audio file is separately and directly accessible using the independently accessible address. The record and playback system of Claim 22 also includes the limitation specifying that the independently accessible address is unique to the recorded audio file. As discussed above, neither Bobo, Internet Unleashed nor their combination teaches that an independently accessible address is associated with the recorded audio file. In addition, neither, Bobo, Internet Unleashed nor their combination teaches that the recorded audio file is separately and directly accessible using the independently accessible address. Further, neither Bobo, Internet Unleashed nor their combination teaches that the independently accessible address is unique to the recorded audio file. For at least these reasons, the independent Claim 22 is allowable over the teachings of Bobo, Internet Unleashed and their combination.

Claims 23-29 are all dependent upon the independent Claim 22. As discussed above, the independent Claim 22 is allowable over the teachings of Bobo, Internet Unleashed and their combination. Accordingly, the Claims 23-29 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 30 is directed to a record and playback system for recording an audio file for later playback. The system of Claim 30 includes an interface circuit configured to

establish a telephony connection with a telephony device, a call recording system coupled to the interface circuit to record an audio communication transmitted over the telephony connection thereby establishing a recorded audio file and a storage system coupled to the call recording system to store the recorded audio file at an independently accessible address within the storage system, such that when the address is accessed by a computer system, the recorded audio file is transmitted to the computer system for playback. The record and playback system of Claim 30 includes the further limitation that the recorded audio file is separately and directly accessible using the independently accessible address. The record and playback system of Claim 30 further includes the limitation specifying that the independently accessible address is unique to the recorded audio file. As discussed above, neither Bobo, Internet Unleashed nor their combination teaches that an independently accessible address is associated with the recorded audio file. In addition, neither Bobo, Internet Unleashed nor their combination teaches that the recorded audio file is separately and directly accessible using the independently accessible address. Further, neither Bobo, Internet Unleashed nor their combination teaches that the independently accessible address is unique to the recorded audio file. For at least these reasons, the independent Claim 30 is allowable over the teachings of Bobo, Internet Unleashed and their combination.

Claims 31-36 are all dependent upon the independent Claim 30. As discussed above, the independent Claim 30 is allowable over the teachings of Bobo, Internet Unleashed and their combination. Accordingly, the Claims 31-36 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 37 is directed to a network of devices for recording and playback of an audio file. The network of Claim 37 includes a call processing and recording system coupled to a telephone network to establish a telephony connection with a telephony device and record an audio communication transmitted over the telephony connection thereby establishing a recorded audio file, a server coupled to the call processing and recording system to store the recorded audio file at an independently accessible address, wherein the recorded audio file is separately and directly accessible using the independently accessible address and further wherein

the independently accessible address is unique to the recorded audio file and one or more computer systems coupled to the server such that when the address is accessed by one of the computer systems, the recorded audio file is transmitted to an accessing computer system for playback. As discussed above, neither Bobo, Internet Unleashed nor their combination teaches that a recorded audio file is stored at an independently accessible address. In addition, neither Bobo, Internet Unleashed nor their combination teaches that the recorded audio file is separately and directly accessible using the independently accessible address. Further, neither Bobo, Internet Unleashed nor their combination teaches that the independently accessible address is unique to the recorded audio file. For at least these reasons, the independent Claim 37 is allowable over the teachings of Bobo, Internet Unleashed and their combination.

Claims 38-43 are all dependent upon the independent Claim 37. As discussed above, the independent Claim 37 is allowable over the teachings of Bobo, Internet Unleashed and their combination. Accordingly, the Claims 38-43 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 48 is directed to a method of recording an audio file for playback over a computer system. The method of Claim 48 comprises the steps of establishing a telephony connection between a telephony device and a call recording device, recording an audio communication transmitted by a recording user over the telephony connection thereby establishing a recorded audio file and associating an address with the recorded audio file, such that the recorded audio file is played back to each of one or more receiving users who access the address. The method of Claim 48 includes the further limitation specifying that the address allows the recorded audio file to be separately and directly accessed. The method of Claim 48 further includes a limitation specifying that the address is unique to the recorded audio file. As discussed above, neither Bobo, Internet Unleashed nor their combination teaches that the recorded audio file is separately and directly accessible using the independently accessible address. In addition, neither Bobo, Internet Unleashed nor their combination teaches that the independently accessible address is unique to the recorded audio file. For at least these reasons,

the independent Claim 48 is allowable over the teachings of Bobo, Internet Unleashed and their combination.

Within the Office Action, Claims 1, 8, 22, 30, 37 and 48 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Uppaluru in view of Internet Unleashed. The Applicant respectfully traverses this rejection. As recognized within the Office Action, Uppaluru fails to specifically disclose that the recorded audio file is separately and directly accessible using the independently accessible address. Again, Internet Unleashed appears to be cited for this proposition.

Within the Office Action it is stated that Internet Unleashed teaches that recorded audio files may be directly accessible when the user accesses the URL of a web page. The Applicant respectfully disagrees with this assertion. All Internet Unleashed teaches is that the <BGSOUND> command will play a sound file as soon as a page is displayed. Internet Unleashed does not teach that the sound file is directly accessible. Further, Internet Unleashed does not teach that the sound file is separately and directly accessible. As discussed above, playing a sound file upon the display of a page and separately and directly accessing the sound file are very different concepts.

The combination of Uppaluru and Internet Unleashed is not proper. There is no hint, teaching or suggestion in either Uppaluru or Internet Unleashed to warrant their combination. In fact, the two cited references appear to even teach away from each other. As discussed above, Uppaluru teaches a voice web system that includes voice web pages that are accessible to users via voice command and touch-tone inputs. Uppaluru does not teach associating an independently accessible address with a recorded audio file, wherein the recorded audio file is separately and directly accessible using the independently accessible address. Internet Unleashed teaches that the <BGSOUND> command will play a sound file as soon as a page is displayed. The system of Uppaluru is based on audio publication of web pages over a telephony connection. In such a system, because the web pages are audibly published, there is no necessity for the inclusion of a <BGSOUND> command to play a sound file when a page is displayed. In the system of

Uppaluru, a voice web browser is used to host voice web pages and interpret the embedded HVML markup language in the retrieved voice web pages to deliver the content of the voice web page to the user. Because the entire voice web page is audibly published there is no need to play a sound file when a page is displayed. Accordingly, it would not have been obvious to one skilled in the art to use the <BGSOUND> command of Internet Unleashed with the system of Uppaluru. There is no motivation for one skilled in the art to combine these teachings of Internet Unleashed with Uppaluru.

This is again a classic case of impermissibly using hindsight to make a rejection based on obviousness. The Court of Appeals for the Federal Circuit has stated that "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." <u>In Re Fritch</u>, 972 F.2d, 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). As discussed above, it would not have been obvious to use the <BGSOUND> command of Internet Unleashed with the voice web browser of Uppaluru. To conclude that this is obvious based on the teachings of Uppaluru and Internet Unleashed, is to use hindsight based on the teachings of the present invention and to read much more into the teachings of these cited references than their actual teachings. Teachings of these references are being pieced together, despite the fact that there is no motivation to combine the references and they teach away from each other by providing incompatible solutions. This is simply not permissible based on the directive from the Court of Appeals for the Federal Circuit.

It is well settled that to establish a *prima facie* case of obviousness, three basic criteria must be met:

1)   there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;

2)   there must be a reasonable expectation of success; and

3)   the prior art reference, or references, must teach or suggest all the claim limitations. MPEP § 2143.

The burden of establishing a *prima facie* case of obviousness based on the teachings of Uppaluru and Internet Unleashed has not been met within the Office Action. There is no teaching or motivation in either Uppaluru or Internet Unleashed to warrant their combination. As discussed above, there is no motivation to include the <BGSOUND> command of Internet Unleashed with the voice web browser of Uppaluru. As discussed above, it would not have been obvious to one skilled in the art to use the <BGSOUND> command of Internet Unleashed with the voice web browser of Uppaluru.

Based on the teachings of Uppaluru and Internet Unleashed there is no reasonable expectation of success to warrant their combination. As discussed above, Uppaluru teaches a voice web browser for accessing voice web pages over a telephony connection. Internet Unleashed teaches that the <BGSOUND> command will play a sound file as soon as a page is displayed. Using the system of Uppaluru, with a voice web browser, there would be no need to utilize the <BGSOUND> command of Internet Unleashed to play a sound file. One skilled in the art would not have had a reasonable expectation of success when combining the voice web browser of Uppaluru with the <BGSOUND> command of Internet Unleashed.

Even if considered proper, the combination of Uppaluru and Internet Unleashed does not teach all of the claimed limitations. Neither Uppaluru, Internet Unleashed nor their combination teach that a recorded audio file is directly accessible using an independently accessible address. Further, neither Uppaluru, Internet Unleashed nor their combination teach that a recorded audio file is separately and directly accessible using the independently accessible address. Neither Uppaluru, Internet Unleashed nor their combination teach that each recorded audio file is associated with and accessed by a unique address.

The independent Claim 1 is directed to a method of recording an audio file for playback over a computer system. The method of Claim 1 includes the steps of establishing a telephony connection between a telephony device and a call recording device, recording an audio communication transmitted over the telephony connection thereby establishing a recorded audio file and associating an independently accessible address with the recorded audio file, such that

when the address is accessed using the computer system, the recorded audio file is transmitted to the computer system for playback. The method of Claim 1 further includes the limitation that the recorded audio file is separately and directly accessible using the independently accessible address. The method of Claim 1 includes the further limitation that the independently accessible address is unique to the recorded audio file. As discussed above, neither Uppaluru, Internet Unleashed nor their combination teaches that an audio communication is recorded over a telephony connection, thereby establishing a recorded audio file. Further, neither Uppaluru, Internet Unleashed nor their combination teaches that the recorded audio file is separately and directly accessible using an independently accessible address that is associated with the recorded audio file. As also discussed above, neither Uppaluru, Internet Unleashed nor their combination teaches that the independently accessible address is unique to the recorded audio file. For at least these reasons, the independent Claim 1 is allowable over the teachings of Uppaluru, Internet Unleashed and their combination.

Claim 8 is dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Uppaluru, Internet Unleashed and their combination. Accordingly, the Claim 8 is also allowable as being dependent upon an allowable base claim.

The independent Claim 22 is directed to a record and playback system for recording an audio file for later playback. The record and playback system of Claim 22 includes a means for establishing a telephony connection with a telephony device, means for recording coupled to the means for establishing a telephony connection for recording an audio communication transmitted over the telephony connection thereby establishing a recorded audio file and means for storing coupled to the means for recording for storing the recorded audio file at an independently accessible address, such that when the address is accessed by a computer system, the recorded audio file is transmitted to the computer system for playback. The record and playback system of Claim 22 includes the further limitation that the recorded audio file is separately and directly accessible using the independently accessible address. The record and playback system of Claim

22 further includes the limitation specifying that the independently accessible address is unique to the recorded audio file. As discussed above, neither Uppaluru, Internet Unleashed nor their combination does not teach that an audio communication is recorded over the telephony connection, thereby establishing a recorded audio file. Further, neither Uppaluru, Internet Unleashed nor their combination teaches that the recorded audio file is separately and directly accessible using an independently accessible address that is associated with the recorded audio file. As also discussed above, neither Uppaluru, Internet Unleashed nor their combination teaches that the independently accessible address is unique to the recorded audio file. For at least these reasons, the independent Claim 22 is allowable over the teachings of Uppaluru, Internet Unleashed and their combination.

The independent Claim 30 is directed to a record and playback system for recording an audio file for later playback. The system of Claim 30 includes an interface circuit configured to establish a telephony connection with a telephony device, a call recording system coupled to the interface circuit to record an audio communication transmitted over the telephony connection thereby establishing a recorded audio file and a storage system coupled to the call recording system to store the recorded audio file at an independently accessible address within the storage system, such that when the address is accessed by a computer system, the recorded audio file is transmitted to the computer system for playback. The record and playback system of Claim 30 includes the further limitation that the recorded audio file is separately and directly accessible using the independently accessible address. The record and playback system of Claim 30 further includes the limitation specifying that the independently accessible address is unique to the recorded audio file. As discussed above, neither Uppaluru, Internet Unleashed nor their combination teaches that an audio communication is recorded over a telephony connection, thereby establishing a recorded audio file. Further, neither Uppaluru, Internet Unleashed nor their combination teaches that the recorded audio file is separately and directly accessible using an independently accessible address that is associated with the recorded audio file. Neither Uppaluru, Internet Unleashed nor their combination teaches that the independently accessible

address is unique to the recorded audio file. For at least these reasons, the independent Claim 30 is allowable over the teachings of Uppaluru, Internet Unleashed and their combination.

The independent Claim 37 is directed to a network of devices for recording and playback of an audio file. The network of Claim 37 includes a call processing and recording system coupled to a telephone network to establish a telephony connection with a telephony device and record an audio communication transmitted over the telephony connection thereby establishing a recorded audio file, a server coupled to the call processing and recording system to store the recorded audio file at an independently accessible address, wherein the recorded audio file is separately and directly accessible using the independently accessible address and further wherein the independently accessible address is unique to the recorded audio file and one or more computer systems coupled to the server such that when the address is accessed by one of the computer systems, the recorded audio file is transmitted to an accessing computer system for playback. As discussed above, neither Uppaluru, Internet Unleashed nor their combination teaches that an audio communication is recorded over a telephone connection, thereby establishing a recorded audio file. Further, neither Uppaluru, Internet Unleashed nor their combination teaches that the recorded audio file is separately and directly accessible using an independently accessible address that is associated with the recorded audio file. Also, neither Uppaluru, Internet Unleashed nor their combination teaches that the independently accessible address is unique to the recorded audio file. For at least these reasons, the independent Claim 37 is allowable over the teachings of Uppaluru, Internet Unleashed and their combination.

The independent Claim 48 is directed to a method of recording an audio file for playback over a computer system. The method of Claim 48 comprises the steps of establishing a telephony connection between a telephony device and a call recording device, recording an audio communication transmitted by a recording user over the telephony connection thereby establishing a recorded audio file and associating an address with the recorded audio file, such that the recorded audio file is played back to each of one or more receiving users who access the address. The method of Claim 48 includes the further limitation specifying that the address

allows the recorded audio file to be separately and directly accessed. The method of Claim 48 further includes a limitation specifying that the address is unique to the recorded audio file. As discussed above, neither Uppaluru, Internet Unleashed nor their combination teaches that an audio communication is recorded over a telephony connection, thereby establishing a recorded audio file. Further, neither Uppaluru, Internet Unleashed nor their combination teaches that the recorded audio file is separately and directly accessed using an independently accessible address. Also, neither Uppaluru, Internet Unleashed nor their combination teaches that the independently accessible address is unique to the recorded audio file. For at least these reasons, the independent Claim 48 is allowable over the teachings of Uppaluru, Internet Unleashed and their combination.

Within the Office Action it is stated that Claims 12 and 45-47 are objected to as being dependent upon a rejected base claim. Claim 12 is dependent on the independent Claim 1. Claim 45 is dependent on the independent Claim 22. Claim 46 is dependent on the independent Claim 30. Claim 47 is dependent on the independent Claim 37. As discussed above, the independent Claims 1, 22, 30 and 37 are allowable over the teachings of Bobo, Internet Unleashed and their combination and Uppaluru, Internet Unleashed and their combination. Accordingly, the Claims 12 and 45-47 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action it is also stated that Claim 44 would have been objected to except for the rejection under 35 U.S.C. § 112. As discussed above, the rejection of Claim 44 under 35 U.S.C. § 112 has been overcome. Further, Claim 44 is dependent on the independent Claim 17. As discussed above, the independent Claim 17 is allowable over the teachings of Bobo and Uppaluru. Accordingly, the Claim 44 is also allowable as being dependent upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: _January 24, 2003_

By: _____
Jonathan O. Owens
Reg. No. 37,902
Attorneys for Applicant(s)